P. F74-98

G. R. S. IX-5]

Previous references. (1897-98)
~~191~~
(d. R.)

File No. 72-97
1-21
Serial Nos. ~~1-20~~

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-21
~~1-20~~

In ~~Part~~ B for November 1912

SUBJECT.

Reports of the Dy. Commr. Nasik, and Asst. Supdt. Rev. Survey, re, the Extent to which Municipal Taxes prevail in the Several Talukas.

Petition No. 1147, dt 3-11-'97
& others.

Petitioner - Imamuddeen
Contractor
Arsikere
Hassan

Subject :-

Appeal against the order No. 145, dt 21-8-97 of the Dy Comm^r, Hassan District, directing (1) the recovery of ~~Rs~~ 500/- from the pet^r and Gulam Hussain, his brother, for having set fire to some sandal and date trees on the lands in their holding and in Arkgawal tenure, & (2) the resumption of lands No. 15, 17, & 38 in the village of Venkatapura (attached to Timmalapur during Survey settlement) in the Arsikere taluk.

Facts of the case :—

1. On 8-5-85 one Siddatta Timmegowda of Akkanahalli, Channarayapatna taluk, put in

a darkast for all the lands of Timmadapur, Nidagere Taluk, and agreed to take up the assessed lands at full assessment, and the unassessed waste at 2-annas per acre— his liability for the payment of kandayam commencing from the year Parthiva ('85-'86).

2. The Amildar directed the Shekdar to report whether a mark on the following particulars: (1) the extent of the assessed waste, (2) the Survey Nos, assessment, & the number and kinds of trees standing on it with their sizes, & (3) the extent of the unassessed waste and its particulars.

3. On 14-5-85 the Shekdar reported by sending a list of lands showing for

(a) the assessed land — area 172-5 assessment Rs 212-12

(b) the unassessed Waste — 733-29. nil —

The assessed lands were comprised of 23 Survey Nos, and the unassessed portion of 5th excluding S.No 40 which is a tank.

4. On 22-5-85 the dashkhatdar Timmagowda signed two declarations before the Amildar. In the one he urged that, inasmuch as he was told by the Amildar, that the unassessed waste could not be given away in a mahki-sale, and inasmuch as

Trees
Miscellaneous trees of which the sort & size not stated.

Survey
the trees
has been
them

*S.Nos 15-17, 38, 44 + 43.

Points (3) & (5)

as, also, he would have all the assessed lands of the Kacharakka village, the unassessed waste might be granted to him at -/-/- per acre for permanent kulkubanni, - especially if he should obtain the assessed lands in a "Malki-kayt"; that he was not desirous of having the assessed portion without the unassessed ones (waste); and that as he lived in a distant village he would offer, in order to ensure the regular payment of kandayams, the security of lands belonging to Patel Rangegowda of Adikalli of his taluk. In the other deposition he stated that it would be inconvenient to grant the assessed and unassessed portions to different persons. He deposited Rs 10/- to guarantee his bidding at the malki sale, and stated that his first bid would be Rs 50/-

5 The sale was notified to take place on 27-5-'85, and the sheristhar was directed* to get the notice served particularly on Venkatadrangiya, Mudlapur

7

* No 68, dt 22-5-85

of the lands in question on Exhibit Three); to include the trees standing on the assessed lands in the sale-list, and to see that the lands were sold in one lot.

6 The said Tambaradeniya moved neither acknowledge the receipt of the notice, nor complied to bid at the sale. The matter was accordingly reported by the Shebdar. The sale took place, and the final bid was Rs 58-- x, the purchaser being the said Tambaradeniya Dingiyanda himself. He paid up the balance of Rs 45/- x which was credited to the Land Transaction on 28-5-85, the day after the sale. The Shebdar's report was accompanied by a statement of Toddy-trees, and a petition from Dingiyanda praying to buy the trees standing on the assessed portion at a further cost of Rs 2-4-8-- x on the ground that he would not, in the act of cultivation, cut any of them unless it was necessary to do so, in which case he would cut rather than the Land should remain

x vide letter (E)

x Rs 55/- - 10 = 45

No 68/9 of 27-5-85

x

		Rs. a. p.
572	Jak trees	143-- -
103	Cocoanut trees	103-- -
30	Areca nut plant	7-8-
5	Mango	10-- -
6	Jutty	6-- -
2	Banyan	5-- -
1	Bogay	
1	Bamboo shrub	
		Rs 274-8--

that of the grower cp case

7. At this time, i.e. on 27-5-85, Venkatasastrulu put in a telugu petition stating that the lands now described for sale had been enjoyed by him on the Irijoyi tenure in accordance with the terms of the Saguvali chit given to him; that when this tenure lapsed it was unjust to give the land to Timmegowda who applied for them only for the purpose that he should set himself up on the day of sale because he owned land on the terms of his saguvali-chit, the first of which he had already satisfied; & that in case the darkhastdar Timmegowda drew up a muchalka to the effect that he would build and inhabit the village (Venkatasastrulu Timmegowda) and cultivate the whole of the granted lands, then he (Venkatasastrulu) would have no objection for the lands being granted to him although he lived in fear of village.

He prays that the proceedings might however be stayed until

* (1) that he should keep hospitality accordingly for the year 1884-85
(2) that he should enjoy the lands on Irijoyi tenure until the year 1935-36.

a report was got from the Sub-Divn Officer, Hassan, to whom also he had petitioned.

& The Amildar in reporting to the Asst Comr Officer about the ongoing details of the sale, — about Timmayya's application for the unassessed waste first at 2 Rs and then at 1/- Rs, about his securing for the regular payment of Kandayam Rs. Rs. — stated, with reference to Venkatadasaiah, that when this Venkatadasaiah had (in the preceding year) applied for the lands in question on Crop-i-Tenure, the said Timmayya had applied for the same at full Assessment; & that the latter became absent just at the time of Mukti-sale that year, which led to the grant of the Sagumadi-Chit to the former on the terms mentioned above.

Thereupon the Sub-Divn Officer ordered as follows:-

Venkatadasaiah has attached his clearer consideration. There is ample reason to suspect that this is not a bona fide dark. The following issues should be given to the Amildar:-

No 532, 28-1-88

'84-'85 (illegible)

No 630, 5-6-88

If he wishes to have all the lands he can only have them on the terms mentioned in the Agreement with full assessment for the assessed lands and 2/- an acre for the unassessed land. He shall further agree to keep the lands for 3 years at least paying each year's Cowdayam in advance before the end of May. He cannot have the right over the trees unless he pays Rs 274-8 for them as calculated in the question put to him in the Report.

If he agrees to these terms and pays a year's Cowdayam as mentioned in para above plus Rs 274-8 for the trees if he wishes to have rights over them before the 20th June he can have the lands. If he agrees and pays, & Venkatadasappa also agrees also and pays, the latter to have preference.

If the latter does not pay into the Taluk treasury before

Mr Ananda Rao.

before the 20th ~~last~~ his darkhast should be rejected, and Venkatadrayya will continue on his terms settled last year."

10 The order was communicated to Timmayya and Venkatadrayya by means of notices. Gadeatha Timmayya did not consent to take up the lands on the conditions laid down by the Revenue office. His darkhast was accordingly rejected*. His B 55/- was also returned (vide page 27). The S. Dy Nº Office ordered the ~~case~~ correspondence to be filed.

* P. 17 of 17-6-85: the W/o has it for ½ of 274-8-0 & 137-4-0.

Vide Sheet Nº 6 (page 6) of 14-6-85.

* on 12-7-85.

11 On 11-7-85 the Amildar reopened* the correspondence by alluding to occasion on which through the competition of Venkatadrayya, the darkhast of Timmayya was rejected. He stated that on one occasion Timmayya had applied for the land on Irijoi-tenure when his application was rejected because of Venkatadrayya applying for the same also on the same tenure; that on another occasion Timmayya had applied for half Kandayam when his opponent offered to buy off full Kandayam and got the application of Timmayya rejected; that the Venkatadrayya ~~he~~ was then

* Nº 916/32 &-

thus bound to pay full Kau
-dayan be remunerated on a sub
-sequent occasion when the
subdiv. officer was there
to show him concession by
ordering the Sagurai chi
on the terms stated already
that the assessed lands sit
-ated in a hilly tract were
vastly suited to sheep & the cultivation
if they were taken up for
full assessment and used
for grazing purposes only;
that under such circum-
-stances it was not advisa
to let out the assessed lands for 3 yrs
when there was an offer for
them at full assessment;
that moreover the terms
proposed to Kanungo's were
hard, and it was reasonable
to accept for the trees on assessed lands half
the estimated value, i.e. Rs 32
and to recover on the un-
assessed lands a Kaudayan
of 1/- a head per acre; that in so
doing there was profit both
for to the ryot and to the Govt;
that it was proper to give

to the merchant of Venice
accepted if he wished to have
the lands on that terms; and
that if this opportunity were
let slip that might never again
come ~~an offer~~ for the lands
at full assessment. He
further stated that Linnegoda
owned lying ~~[illegible]~~ from his
own village in Chamaraja-
-pura and separated and
in front the village of
Veerabadra.

12 To this the Asst Govt Agent
Ordered[x] that he was not in-
clined to keep ~~[illegible]~~ faith
in the words of men referred to
in the above report; that the
old order should continue till
the end of Dec '86 when the
matter would receive con-
-sideration during Jamabandi

13 On 19-7-86 Linnegoda
petitioned urging that he
was willing to pay up the full
market amount of Rs 274-8-0
if the other alternative of the payment of
half that amount were
not conceded to him. On
27-7-86 he drew up a memorandum

[x] No 603, 19-7-86

praying Chastity

) to pay for the unassessed waste at 2-2-0 per acre, -

(2) to advance each year Kaudayam at the beginning of the year and to retain the lands for 3 years; -

(3) to pay ₹ 2-4-5-0 for the trees standing on the assessed lands. He paid up accordingly ₹ 219-5-0, and promised to ~~pay up~~ advance the Kaudayam for Panthi-(35-36) within 15 days of the grant of Saguvali-chit to him.

₹ 274-8-0
55-0-0
₹ 219-8-0

After this Venkatadasappa was directed to present himself with the needful Amount before the Amildar within 3 days and draw up Mutchalikas necessary if he were willing to have the lands on the terms mentioned in the Sub-Dy Officer's order. He was told that otherwise the lands would be given away to Timmegowda.

The grass on the lands was ordered to be reserved until the matter was finally settled.

15 On 2-3-35 Venkatadasappa sent a letter with reference

of the above notice that was served on him on 1-8-85, urging that the grant of the lands to Limugerwa might be forthwith be obtained his grievances redressed at the Sub Ag. office, or, if not there, at the Bwisau Office".

Endt. No. 98, of 20-8-85 granted on this petn. ran thus:-

"You urge that as the Sepwali chit granted to you contains no other stipulation the proceedings of the Merchant of Limugerwa may be stayed until you obtain redress at the Bwisau Office.

"Now in the year Tarana (84-85) both Limugerwa and you applied for the lands in question in full assessment. Limugerwa And then you changed your mind and requested that the lands might be given to you on tripoyi-tenure. Upon this the Bwisau office, instead of receiving from you the full Assessment, ordered the recovery of one half-assessment for that year and Tripoyi ~~for~~ the current (Fasli ~~xx~~). Sepwali chit was given accordingly. You say that no more terms

terms are laid down in the Sagunali-Chit except that of Injoyi. Now Injoyi lasts only so long as darkhast for full assessment is not received, and the land need not be mentioned in the Sagunali Chit. And when Jim negotiates darkhast but case you were asked by means of a notice to tell us if you were willing to have the land on the terms mentioned in the Sub-Officer's notice. You were not willing to do so. You did not pay up the money either.

There is no reason to grant you lands on a Injoyi tenure only when there is a profit this year to Govt of Rs 570/- and only decide an annual revenue of Rs 302/- only. Among foregoing reasons Sagunali Chit has been granted to Jamnagar who will be bound by the decision which you may obtain at the higher authorities

Another Suit* to the same effect

---

* Granted on 5-8-35

a & Assessed lands — Rs. 212-12-0
b 572-36 Unassessed waste @ 2½ annas — 71-10-0
Local cess — 17-12-6
Rs 302-2-6
(vide Mutchalika — p 25).

* AP/15-8, 15-10-35

effect was also given
him in pursuance of the
Order of Officers Hukeem
No 223, 87-10-85.

[Note. This finishes up the old file.
There are some 2 or 3 papers of 1887
only the request of Timmegowda
to be permitted to manufacture
jaggery out of the toddy extracted
from the date tree].

Some of these lands, bearing an
Assessment of Rs 238-1-3 had
been given out by Timmegowda
by means of Rangarajiniana on
13-8-94, (vide paper No- between pages 20 & 21 of this file),
to two brothers Imamsaheb and
Gulam Hussain of Arikere.

On 1-9-96 Venkatarangiah
who was the Shanbhog of the
village complained that Mohadeen
Sab and Gulam Sab had cut
and burnt some date trees and 20 Sandal trees
standing on the Khanade S.Nos 5-9-
which had been given them only
for the purpose of grazing cattle
at 2/as per acre, and over which
they had no rights of cultivation;
that the said persons had also
burnt some sandal trees standing
on lands in their holding; that
the S.Nos were not easily distin-
-guishable as the boundary marks
had all been obliterated;
that in the said Khanade lands
they

that had also planted 100 cocoa-nut plants 15 days back; & that he had discovered all this when he had been on Pahamiuna. Prayed for early inspection.

2) The Land Inspector of Ariakkulam Circle was directed to submit a detailed report after inspection. This official took the depositions of 4 witnesses and stated that he inspected the lands S.Nos 15 & 17 as also the S.Nos 23 & 30 in the Village of Gilimalaiyan; that the lands S.Nos 15 & 17 had been boundstones; that they had likewise removed the boundstones between the said lands Nos 15 and Nos 23, 24, 25 & 27, but by payattikaran in their holdings; that the extent of trees cut and burnt in lands Nos 15 were:

Coconut	Palmyra	Jack	Kiligai, Sandal
310	6	2	20

2 cut + 32 burnt

in S.No 17 ... 12

— 23 ... -

2 burnt + 3 cut

that besides these all the said lands had small burnt sandal plants too many to count;

that they had employed workers to build an Ambalam for S.No 15 out of the stones used forming the "Kodi" & "Kaline"

S.No 23 & 30 - 9-9-96

X No 37, 8, 14-9-96

note - Vaddukkottai officials figures for land S.No 30 are - trees burnt 20
do - cut 4.

Kalva of a tank); that it was
~~likely~~ probable that these Indians
had used also Sandal stone for
the ancient; that it was
still easy to mark out the land
with the help of the sketch, as
the old ridges still remained;
and that the counting took place
in the presence of the Khatkars
Imamuddeen Saib.

21 On 10-9-96 the Forest-Ranger
~~has~~ was asked, by the Collector
Laws S.N.S. 15-17 and give information
about the Sandal tree plants
burnt, and the loss caused to Govt.
And the Officer prepared a
list of trees destroyed, with the
dimensions and drew up a
Muhazar from the villagers.
The Muhazar declared that
the fire was accidental and
might have been caused by
somebody on the tank bund
close by throwing in a cigar
while smoking; that the
fire had damaged the garden of the villagers
also; that some of the trees
of Imamuddeen himself had
been burnt away; and that
some 7 out of the 46 trees men-
tioned in the list were improving,
& were completely lost by other natural causes, & the
remaining 35 had been burnt
by the heat.

x N° 3, 8/16-7-96.

22 The Forest Ranger in submitting his report x relied the owners Statements and said that the Determination of rent should be consulted as the amount of loss to Govt:

23 On 15-9-96 I summoned disposed before the Auditor:-

"S.N° 15+17, waste lands of Vellakatpur are Kayam Hallu-lands in my name at 2/- as per acre.... Lands bearing an assessment of Rs 2.50 were purchased by me from Gaddas Timmegowda about 2 years back. I do not know the boundaries of lands in my khata. The village being a Kelavakh village, it has long remained without repairs, have all been obliterated; so much so that they are incapable of showing any mark. I could not distinguish lands S.N° 15+17.- I never (have) the bounds stones, nor did I cut any date trees standing on them. The date trees that existed at the time of my purchase do still exist. My

My neighbour caught fire last year and on account of that some Saudat trees were scorched. Some of these however have been sprouting up. The fire spread to my garden also and burnt my Coconut trees & it spread at the same time to the garden of Nagarachalli.

I did not intimate the burning away of the Saudal tree to "Sarkar" because I did not know that I ought to.

I have on a previous occasion applied for a fresh measurement and fixing of boundaries. I have not used the stones of Kodi and Kaive for building the Anicut. Which lands S.No 24 + 25 were demarcated for by my brother Gulam Hussain, the Surveyor had been here 4 or 5 times for inspection. He had had ample opportunities to report against me then & there if I had actually cut or destroyed any trees on lands S.No 15+17 which lie close to the said No. 24+25. He might have also pointed out at that time the boundary line.

I am charged with having planted Coconut plants

land
in S. No 15 of 97. I might have
done so not knowing the limits
If I should know the extent
of land that I have been en-
~~the~~ entered upon I would
willingly pay the assessment
that might be fixed on it."
24 Upon this the Arbitrator in
recounting all the foregoing
proceedings, reported × that
the list of the First Ranger
to which Mr Madeira had signed
~~was a mistake~~ was not
written out ~~mendacem~~
that the Arbitrator marked
responsible for the said
tree according to Notification
No 17486 - 8/14-4-94; that
R.F.319-92
the work of the Ranger was
unnecessary; for, it was
probable that the holder had
made room for his 100 co-
conut trees in the said Khas
Lands by clearing away the
date tree, that the Khate-
dar who seemed to be a clever
man could not possibly have
been ignorant of the fact
that the case of ~~the~~ accident-
al fire, if accidental it
was, should be reported to
him; that the list of
mere trees prepared by the
Ranger

× No 415, of 20-9-96

This is merely the Chief Conservator's opinion & 1870 respectively

Why should the report be considered previously?

Range could not be correct
because it did not tally with
the number given by the Abkari-
Dept and because it was not
maintained; that at any rate
there was a heavy loss, and
that he awaited the Resident's
order regard to the destruction of
date and Sandal trees in S. Mal's-
andy, of Sandal trees in the
Khastedars hilavadi-lands, of
bonds alone as well as Kodi
+ Kadim alone with the purpose
of building the Amicut.

25 Whereupon Mr Knight, the
Asst Collector ordered that,
in his opinion, the destruction
of trees (Sandal + date) was in-
-tentional; and that there
was reason in believing that
the act was done by the hide-
-val chiefs of Mulgund, in the
interest of cultivation, for they
had planted cocoanut trees
on it. He further enquired what
was the price of the destroyed
date, banyan, atti + Nagadu trees
were was, as estimated by the
Panchayet-dars; how many
of these were had been situated
on lands given out for Mulgund
and how many on those let out
for full assessment. The

aider

order further directed that the Forest Conservator should be communicated with and the amount of loss to Govt by the destruction of Sandal trees known; that the Shanbhog's explanation should be submitted in the matter of his delay in reporting in September about the mischief (by fire) which should have happened in the Summer preceding; that the Mojanidar should be instructed to get the boundaries cleared through the Hidru validars according to the village-map; that a map should be submitted as to the route of the Road and Railway Stone used by the Kudumeedars for the construction of the culvert; and that all these informations should be furnished by the end of the month.

The Amildar was also directed to submit such information

[Note - Para 3 of this order relates to a matter regarding the enhancement of Kandayam on the Mulgund taxes, which seems to have been pending with the Amildar & directed to know if the Kudumeedars were willing to pay the enhanced rate.]

information regarding any
previous collection of salt-brine
on the Kalgamal lands; and
also to give a detailed report
after examining persons who
might have witnessed the
Commission of the foregoing mischiefs
by the said Kidnakidars.

26 The Auditor in his instructions dated 4th 72. & 5-1.-90.
the Shekdar to furnish all in-
formation required in the above
Hukum. The Shekdar called
upon the villagers to evaluate
the loss, and the mahazar
which was drawn up under
the circumstances estimated
the loss at Rs 178-4-0 in the
case of trees and Rs 25-0-0
in the case of Kodi and Kabi
stones. A deposition of one Valya
in this connection runs:—
"In the last summer i.e
8 or 9 months ago Ghulam-
Hussain and Imamuddeen (Kidnakidars)
of Shirkare employed me
and 9 other persons to cut the
date trees standing in the
waste lands of Tankatpur.
The coolly paid was at the
rate of 6 pies for the big
and 3 pies for the small
tree

1) Kayara
(2) Kaje Zulla
(3) Retkya
(4) Hanasina
(5) Ramasing
(6) Chinaya
(7) Janya
(8) Gundaschina
(9) Manya.

trees. We cut the tree standing in the spot pointed out by them as theirs, and received our wages. It was we that fenced the garden also."

27 In passing the marginal note the Pleader reported × that it was impossible to take the measurement of the destroyed sandal tree; that with regard to the question of fixing assessment on the waste lands on the declivity of one Thammanniya Chetty of Kempaveyyana (a separate one-pad-hattu-paiyan); that there had been no delay on the part of the Sharishtadar who had reported as soon as he observed the destruction of sandal and other trees; that malki-price had not been collected on the hillocks; and that as regards the witnesses named Valiya in the matter of destruction of trees, and himself, two Kandakore, the Zamindar's vakils in the matter using the Road and Katcha Shed for the declared trees, were aware that he had witnessed the measuring and

No 139, 8-1-97
in reply to Chittoor's No 72, 25-11-96.

no

no separate person being available who had witnessed the removal of the boundary stones.

2 Whereupon the Accused reported that the trees destroyed in S.No. 15 H, cost according to Madras Rs 178-4-0; that the waste lands had been given without profit for grazing purposes, that the Kidnaldars had no right either to cultivate, them or cut the trees standing on them;

No 6 of 19-1-97 in reply to Asst Commr's No 408.

2 That he had sent (as an enclosure to this report) the Agricultural Inspector's report List showing the measurements of the destroyed sandal tree; that it would have been sent to the Forest Conservator for valuation, but for the urgency of this report.

~~had to be~~

~~which it was impossible for him to do as this his report was called for very urgently;~~

3 That he had sent a separate report regarding the new darkhast for Inliguvad-lands, with records.

4. That there had been no omissions on the part of the village officials.

5 That the Mojanidars had been

been ordered to repair and rectify the breaches:-

6 That the Sheristadar report stated that the State which he had extended over 50 yds and which were used for building the Quarter had been valued according to market rates at Rs 25/-;

7 And that the Sheristadar and others had witnessed the removing of stone for building the Quarter, & that the malki had not been collected on the Mulgavaal (for past years).

29 On 15-2-97 the Govt Asst Conservator reported the Conservator of Forests, Kanara, to let him know the value of the trees destroyed in question. The Conservator accordingly went and inspected the place and prepared a List showing the value of sandal trees destroyed; and sent the following memo:-

No 72, dt 24-5-97

30 "I inspected the garden of Imam Mohadeen, in Venkatapura village, Manjeshwar Taluk for the second

second time on 26th March, 197
with a view to definitely ascertain the loss that has occured to the sandal trees destroyed by fire. The fire has occured in several localities in the garden. The garden has been newly cleared and planted with coconut trees in addition to injury by fire occasioned to a number of sandal trees, there are several sandal trees in the same garden which have been destroyed by cutting them and obliterating the as noted in the remark column of the statement enclosed. These facts convince me that the owner of the garden is guilty of deliberate mischief to sandal trees. As however direct evidence is not forthcoming to prove the offence, he escapes criminal prosecution.

I enclose a statement showing the number of trees destroyed, the nature of injury inflicted on them and the amount of loss thereby

abstract memo of the ~~list~~ arboreal trees destroyed

Particulars	Number	Size of trees		Valuation of trees					
		maximum	minimum	maximum			minimum		
Trees, plants &c destroyed by fire	50	22	4	17	12	a	2	a	a
Do - cut	18	12	4	10	8	a	9	a	a
Young & small plants destroyed for which nominal damage is fixed	2	2	2	2	a	a	1	a	a
Trees which have pericarlates — do — do —	4	20	12	3	a	a	1	a	a
Do which are cut	1						5	a	a
Do cut & partly burned	1						5	a	a
Do do — do	1						2	a	a
Trees seriously injured by fire	1	14		11	a	a	a	a	a
Do whose bark & branches are cut	1	22	a	18	a	a	a	a	a
Do upwards of 100 in all whose branches are cut & whose Sap wood draped off	11	No particulars are given							
Do for the valuation of which there is no data									

1 Note. One plant-aged one year is valued @ £0.1.0 & is made a gratuity

82 Total.

thereby sustained. The damage has been assessed at the present worth of the trees considering their present age and growth and discounting the future yield of the trees by 4 per cent Simple Interest for the period of time the trees will require to arrive at their Commercial Maturity. The total number of Sandal trees and saplings destroyed is 80 and the damages amount to Rs 742-15-

82 (7)

31 On 29-5-97 the Asstt. Commr (Mr. Knight) in submitting this Memo. to the A Commr. showed how there has been a loss of -

Rs 178-4-0 in the case of date trees &c.

Rs 742-15-0 in the case of Sandal

and Rs 25-0-0 in the case of Hoodi & Katira stra

And recommended that since he had seen the Shot himself and believed that the mischief was committed by the Hindu accused only. And since there was not enough of evidence for criminal prosecution

prosecution the hirenliders who are held responsible for the sandal cutting trees, may be directed by Reg. 953-3-a the loss thereby as detailed above, & that they may be ejected from the Kulgaon lands. He further stated that in the matter of assessing the waste lands he had written Yadast No 538, dt 1-5-97.

32 On 21-6-97 the Assistant fixed 26th of July as the date of hearing, and directed* the Amildar of Ankola to issue summonses to all persons concerned, — to those who had signed the Shekdars marhazars, & to those named in Valya's deposition &c —; to send the records, if Amildar any, to show the particular kind and number of trees that existed originally and that exist now, & to include the Kulgaranjemma of Timmangowda into the file and submit the same.

33 The Amildar acted up to the above instructions and in

* 746-3 -- (?)

* No 461, 3 —

V. 70, P 30-7-97

in deposition* stated that the file did not contain any paper showing the number of trees that existed originally on the lands in question.

34 The date of hearing was altered and fresh notices issued on the parties. Witnesses and parties* were however examined on 29/9/97.

35 On 2-8-97 the Dy Commr passed the following order: (V-165, P 2384

The parties and witnesses have been examined by me. It is satisfactorily established by the evidence (Imamsaheb & Gulam Hussain) that certain sandal and date trees have been cut and burnt in survey No. 15+17 of the Katapur Muslim Wakf on the premises. It is also admitted that sandal trees have been burnt in the "Kayam Hidvadi" lands of the parties. But it is asserted that the trees accidentally caught fire and that their number and value have been greatly exaggerated. Both Imamsaheb and his brother Gulam Hussain admit

in the deposition of:-

1. S. Venkata Subbaiya - Agri. Supt
2. Sub Staff - Shekha Ambekhan
3. Venkatadasappa.
4. S.A. Basava Rao - Forest Ranger
5. Gulam Hussain + Imamsaheb
6. Valya.
7. Doddalingana.
8. Channajinaia.

(Papers 24 - 31).

- Mr. Rao planted about
70 or 80 coconut plants in the
Hulgavad Gut. No. 17 shortly after
the lawsuit and after the caught
fire and that they did not re-
-port to Police leaving
the Authorities. This by my
mind is sufficient to show that
the fire could not be accidental.
Beyond praying right for which
they paid Rs per year on this
and other Khazan lands
they had no other right and yet-
taking advantage of the isolated
position of the land they have
planted coconut trees evidently
with the intention of claiming the
land for themselves permanently
on the plea of their having acti-
-vated them tho' ignorance or
inability to distinguish their
"Khazan Hadkichami Hidwali"
lands from the adjoining Hulgavad
- lands. They have already
now put forward that plea.
With this view even boundary
and stones have been obliterated
and removed as evidenced by
Mahajan Lic.

"Mr. Babu Rao has finally
enunciated

enumerated the Sandal tree destroyed or cleared and given the estimated value of the loss to govt. I cannot say that he has exaggerated the number as the Tea Inspector wants me to believe. The number of tree (Sandal) damaged and destroyed is stated to be 82, the loss being Rs 742-15-0. The value of date and other tree cut down in the Kulgaival land is given in the Mahazar as Rs 178*-0- x Rs 178-4-

"Making every allowance for exaggeration the loss to Govt in all cannot be less than Rs of the fire was accidental which I don't believe, it was the duty of the Headmen to report the matter to the authorities and not to have themselves the responsibility which the law attaches to them, especially in respect of Sandal tree.

"I therefore order that Rs 500/ be realised from the parties concerned for loss

loss incurred by Govt: the
parties have forfeited their
right to Survey Nos 15, 17 & 38
granted on Kuttagawal tenure
by their unauthorized action
in respect of the Sandal tree
& Sandal bark which has
formed the subject of a
separate order. They shall
be pounced."

35 Copy of this order was
granted to parties on 12-10-97.
who had appealed against
it and consequently petitioned* the Amildar urging for a
stay of proceedings.

* Recd 8/12-10-97

36 On 21-10-97 the Amildar
reported that, in pursuance
of Dy Commr's No 145, dt 22-8-97
communicating the above
order and directing him to
recover the amount, and to
enforce the ejectment, 15 days'
time had been given to the
defaulters for the payment
of the sum; and that Imamdars
had prayed for a stay of pro-
-ceedings.

No 284

37 Whereupon the Dy Commr
ordered* that proceedings
could not be stayed unless sufficient
cadthalas were produced & had
received

* No 339, dt 26-10-97

x Ref Nº 1147

received.

38 On 30-11-97 the said Imamuddeen appealed to Govt against the above quoted Asst Commr's Order on the grounds (i) that it had not been proved that he either personally or otherwise cut, landed and destroyed trees, & that evidence on record showed that the fire was accidental.

(ii) that the loss estimated was purely conjectural;-

(iii) that that some of his own trees had been burnt away was a fact clearly showing that the fire was accidental, for he himself would not set fire to trees which were planted and reared by him;-

(iv) that the Asst Commr had not seen the villagers' marginal notes as to the accidental nature of the fire-

(v) that the Asst Commr did not consider the point that he had submitted in 1895, long before the Madras Act, for the reclamation of the lands, & therefore he was not to blame in the matter of his planting coconut trees on his lands;-

+(vi) that the petn the Head Assistant showed

Copy of order enclosed to Ref 4

SM
of 15.7.98

Shewed that the grant was per-
-manent and not terminable
at the Govt's option.

He prayed for a full con-
-sideration of his case, and
requested that the Govt may
be directed to stop proceedings
in this order appealed against.

Whereupon the Govt's
report was called for.
The Govt's were also asked
to send a statement explaining Hulgawal-
-lenna, and showing to what
extent it prevails.

10 The Govt's submitted
the report on 28-2-98.

A. 11/4/98

The questions for consideration in
this case are

(1) on what tenure did the pet^r
hold Lands since 15, 1738 (Khanath)
Were resumed by the Govt?

(2) Whether the pet^r is responsible
for the loss of date & sandal
trees since 1715 & whether
the valuation adopted is correct?

(1). The pet^r is the tenant of
the respt, title & interest of
one Thumme Gowda to these
Lands.

These (unassessed waste) lands were granted by
Thermine Gowda at the rate
of 2 as per acre in 1885.
If these Lands were granted
under assessment, then
under Secn XXIV of the
Survey Rules - which was
the law in force in 1885, the
latter having been settled
in 1879 — the annual
would have reported the
Supdt of Survey in Form D
(Pages 52 & 60, Survey Manual
This was not done & the
inference is that only the
grazing of the Lands was
granted — probably under
Govt No 2360-9 dt 16/7/84
R 55
which introduced the system
of selling the kuruvinni for
an upset price, the village
in this case being Becharakh.
An additional reason
for this inference is that
under Secn VI of the Survey Rules,
"no field is to be let for less

Paper 49 pp 5-7
of Survey Manual

from the full survey assessment
without the special
sanction of the Chief Commr"
Again in the Sigwal Circle
- copy of which has been
produced by the petr — also
distinctly stated that the
Kharab Nos are granted only
for grazing purposes.
Thus the petr's contention that
he holds the lands under the
survey tenure is unfounded
=
(2) Mr Bapu Rao who
personally inspected the wreck
has counted the Numbers of x 82
Sandal trees destroyed & has
found the present value
of this tree, to be Rs 782-15-11
The fine is only Rs 500.
The petr= admits the ~~burning~~
the trees were destroyed by fire
and that he did not give intimation
thereof to the revenue officers
but pleads that the fire was
accidental & that he was
ignorant of his responsibilities
in regard to Sandal trees
The Dy Commr on both as the Dy
Commr has on the other hand
been morally convinced - owing to the existence of bandhs & the
planting of coconut trees in Sirsi Taluk -
that the destruction has been

wilfully effected by the
pet[r]. The Ist

one witness has deposed that
he was employed by the
pet[r] to cut down the
date trees but the Villagers
Mahazar ~~stated~~ stated that the
fire was accidental.

The pet[r]'s plea of ignorance
set up to explain his not
having informed the amildar
of the fire is hardly credible
as the pet[r] is a municipal
Commissioner & Advocate &
otherwise appears to be
educated

14/4/98

I want witnesses
whether it is a fact
that in 1895 the Petr
applied whereby the
boundary marks had
up and wherein the
limits of his holding
what measured they

petition & what
action was taken
thereon. I want to
recall them words.

Some steps seem
to have been laid
on the fact that the
Dist Council brought
the prisoner before him
[illegible] upon
[illegible] or a certain Evidence.
Or is this omission
merely used as a
basis of inference
of a want of misconduct.
If the latter a Public
Servant [illegible]
a Power of suspension
Cannot have more
[illegible] than a
Justice [illegible] of suspension.
Please elucidate this
point.

Yesterday we
[illegible] Davis statement
in detail on the
Precis. The orders
[illegible] required to
[illegible] have been sent
up

10.5.98

11
11 1579

1:: No 1365 5/12/70

Strike out [illegible] the records relating
to the petition which was taken by
the posting on [illegible] Broadway market

[illegible] 12/5/98

Dated-Nil. 10728
P.1385 of 12-5-98

41 In pursuance of the Tribunal's order dated 9-5-98 the Respondent has submitted a letter dated 11-5-98 along with the application of the petitioner for granting of casual leave and granting the extension of time, and the Respondent of 15-5-98 has submitted the same, and also the Respondent's application No. 186 of 16-5-98, wherein he has submitted that the petitioner's case should be considered sympathetically and it is not desirable that disciplinary proceedings should be initiated against the petitioner.

No. 6240 of 3-6-98

42 On 3-6-98 the Respondent has filed his counter to the petition.

No. 6210 of 6-6-98

43 The petitioner has submitted his rejoinder to the Respondent's counter to the application of the petitioner (of 11-6-98), which was sent to the Respondent vide Registry No. 42 of 11-6-98 directing him to inspect the records and file the same in the Registry. Subsequently the Respondent has submitted the same in the Registry.

Ino. 935 of 9-6-38

Ino. 1350 of 11-6-38

+ Vide office note 7/20.
6728/1365 of 12-5-38

The records relating to the petr's
application for putting up
boundary marks & fixing the
limits of his holding show that
no action was taken on it
– owing to the petr's absentee-
ism, according to the Inspandm
As regards the authority for
holding the petr responsible for
the sandal trees in his holding,
the Dy Conservr v states that
the Chief Conservr's notice
applies to all lands on
whatever tenure held
Looking to the fact that
in 1870, (the year of the notice)
only x 10 talukis had been settled
& that other tenures other than
the "Survey tenure" such
as kulgawal, Amaryi, Balaya,
&c were in full vigour,
to limit the scope of the notice
to lands held on "Survey tenure"
would have defeated the object
of the notice

x (Admn Report for 1872-73)

Mr Bapu Rao's statement has been embodied in the Press

As regards the Govt orders quoted, G O no 2360-95/53 dt 16/7/84 is found on page 19 of Sec I of the Compilation of Govt orders (published)

The another refers to G O no 17434/RF 339-92 dt 14/4/94 which is not a printed order but was merely republished in the Chief Commr's Instrs of 1870 (Page 126, Encl-Item)

This appears from Part-II of Proc book in April 94 under Rev - Encl

4/7/95

No 2697/98
Prosecutor
Draft Sc
2697/98 No 2697/98 Enc
Defendant

Notwithstanding the
facts whereon the
sandal trees, their
duty to respect all
enjoinies thereon, &
the burden thereon
on them of proving
their freedom from
all blame are
clearly & distinctly
laid down by Govt
Notn of 1870 (Page
126 Forest Manual)
whether they held the
lands under Survey
tenure as full occupants
or their connection
with them extended
merely to the use of
grazing, as in this
case it is idle to
contend that they are
not holders of the lands
within the scope of
the Notn above referred
to. The lands were
in their possession
and that fact is
sufficient to attach
all the liabilities thereon
upon them by the said
Notn

There is a good
deal of suspicion that
the fire is the result of
their act. It may be
that they did not
intend mischief on
a vast scale, but a fire

and intended innocently
a ~~[illegible]~~ with
the object of ~~[illegible]~~
the undergrowth and
thereby fine particles
of soil as usual
with the gardeners
but carelessly and negligently
allowed the sandal
& injure the sandal
trees in sufficient to
make the holder liable
for the consequences, viz.
There is ample evidence
to show that the Petrs
have been guilty of such
negligence, and there
is no reason to differ
from the conclusion arrived
at by the Collector & by
the Commr in appeal, & confirmed
~~No object~~

It seems, however,
that the punishment
is unnecessarily severe
and the fine of Rs
of Rs 100 only
and that such fines
should not be imposed
solely with the intention
of remunerating Govt for
the loss, present & prospective
thereby resulting from the
destruction of trees. Such
a proceeding would be
unjust to many an
innocent holder of land.
The punishment should
be such as would deter
him from being careless
in the regard & each tree
judged according to its
merits a fine of 100 Rs
seems adequate - &
the amount is reduced
accordingly the appeal

Rec'd enclosed with letter dated 24-7-98

Subject 61 (81-Contd)

In C. M. No. 5389/751 dt. 18-12-97 the Dy. Comr. Hissar Distt. was requested to explain what 'kulgarni tenure' was and to submit statement shewing to what extent it prevailed in his District.

2. Similar Statement were also called for from other Dy. Comrs. in the Office No. 5400-406/P 752 dt. 18.12.97

3. The following is the abstract of the replies received from the Dy. Comrs. of the several districts:-

From Dy. Comr. Shimla in No. 759/651 dt. 7-1-98.

— States that no kulgarni

tenure

hulgaval appear to
prevail in ~~Ut~~ District,
that orders ~~have~~ been had
issued to the Amildar of
the Malvad taluks, ^
that, on receipt of their
replies a statement ~~which~~ would
be submitted, should
such a tenure be found
to exist in any of these
taluks

In continuation
of the above, the Govt, in ~~No 735~~ 614 dt 23-2-1900
subsequently
stated that no hulgaval
tenure ~~exists~~ prevails
in any part of this
District, that in a
few cases, in Sagar
and Nagar taluks, some
lands rented at any
rate have been given
to ryots generally
for grazing purposes

This is not
hulgaval tenure

(1)

on condition of their paying the full survey assessment, but that this has not been construed as 'Inalienable tenure

Mr. Kearsley in No 472, dt 14-1-98 states that no land are granted on what is called 'Inalienable tenure and that the granting of lands at 4 annas per acre on grass tenure under the Coffee rules to proprietors of coffee estates has been abolished as per G. O. No.

9767-75 dt 13-12-94
R. F. 154-93

(iii) On 26-1-25, the Dy. Coll., Bangalore sent Inams statement showing the existence of land to an extent of 635a-13g bearing Inam assessment 2 annas per acre. The lands are shown to be distributed among 9 villages 7 of which belong to Hoskote taluk 2 to Channapatna & 1 to Magadi, and to have been given on Inam tenure during the Survey Settlement.

(2)

Inam assessment is shown to be the same as Survey Assessment.

(iv) S. Comr, Amritsar Dist. in No. 785 of 2-2-'98

states that no such tenure ~~exists~~ prevails in this district. There are, however, some cases in which lands taken up on full survey assessment have under special circumstances been allowed to be held for purposes of pasture alone, all cultivation thereon being prohibited, and the date trees thereon reserved for Government

(2)

(2)

(v) S. Comr Hoshiarpur Dist, in No. 224/870 of 3.3.'98

Statement

submits a statement
showing the existence
of 677-29 on Hulgaval
Tenure bearing an
assessment of ₹254-00
and situate in 3 villages
in the Malur taluk.

The Dy Comr remarks:-

"In the survey Physical
Patrol it has been noted
that the lands referred to
should not be utilized for
cultivation purposes, and
that no trees should be cut,
but they should be used only
for grazing purposes.

Subsequently the Govt
in Proceedings Rev. 266 S-69
R.P. 173-92
dated 25-2-96 observed that
the so called Hulgaval tenure
with the restriction not to
cultivate was a mistake,
and ordered the revision of
the settlement so as to make
the ryots fit with those of the
surrounding fields. Accordingly
the matter is under correspondence
with

with the Survey Department.

(VI/2). Com^r, Chilacong Dist, in No 254/807 & 9-3-98 submits a statement shewing lands granted on Ankgaval Tenure, and measuring 451 – 8 – 6 The lands are distributed over 6 villages, 4 of which are situate in the Chilacong taluk, in Hiniyur and in Holalkere. In the Remarks-column the D. Com^r gives the names of the holders of S. nos, and the years in which they were granted to them on the condition that the date & other trees should be reserved

[5]

(4)

to Govt.

(VII) In his No. 58, d. 19-2-98 the D. Comr, Mysore Dt, ~~states~~ submits a statement showing lands granted on hereditary tenure & its extent of 93 a - 35 g distributed over 4 villages of which one is in the Mysore taluk and 3 in Nagamangala. The remarks-column shews the conditions and purpose for which these lands are given. The general condition of grant ~~is~~ is that the grantee shall not cut or in any way injure the state trees standing on the land, & that he shall, whenever required, surrender the land

(5)

land to Govt without claiming any compensation therefor.

Dr Hassan has not given the statement promised in para 5 of his letter No. 855 dt 28-2-98 (vide Appeal file)

19/3/00

(8) The Dy Comr's assistant submits, along with this docket No 29 dated 8-5-02, a statement showing the lands granted on hereditary tenure to the extent of Ac 5-22 Bhakta-hunlu out of 22 gs in the Chikballi village, also sub Dn assessed at Rs 131-4-0 to Sri Nandappa, retired Govt servant on hereditary tenure after keeping a tract thereon and Ac 5 1-30 assessed at Rs 1-4-0 to Nagappa pujari in Muralenahalli village in the Channarayapatna Taluk & no figures are shown for the rest of the Taluks in the district

(7) (6)

This is not a permanent tenure. The S.P. dismissed appeal. Not called for hereditary tenure.

9 Under the principle
of the Bombay Rev-
system all assessed lands are followed in Bijapur
(with the exception of
lands granted on Coffee
& other special tenures).
are divided into 3
classes (a) dry (b) wet (c) garden
Inamgaral tenure is
not thus recognised under
the revenue rules
The exceptional cases
in which certain lands
in Bangalore & Kolar
½ Rs were granted
on Inamgaral tenure
at the survey settlement

Seem to require
explanation from
the Sup. Supt.

The other case
in which lands
have been granted
by Deputy Commissioners
to the rights on
full consideration
for purchase,
can not at all,
I am instructed only
under Sec 60 L.R.
Code which refers to
the attaching of
Conditions to an
occupancy

22/7/02

This is not subject
to any
point for Case
=

Send the papers in
original to the Supdt
of Rev Survey & Settlement
for favour of his remarks
the matter has been
pending from 1897

24/7/1902

25/7

Letter
25/7/ 2 copies put
26/7/02 R.D.
22/7/02
209

The Survey Suptd's opinion
in the above subject having
been called for in this office
No 221
P 74-99 dt 25-7-02, letter No.
248 dated 22nd Oct/02 has been
read in reply as follows:-

There are 20 cases,
of which 4 are cases in
which the fasturage rate
differs from the rate in
the Akarband & a provision
for cultivation is recorded,
5 cases in which the so called
fasturage rate & the Akarband
rate are the same; 2 cases
in which the fasturage rate
& the Akarband rate are the
same, but cultivation is
recorded as prohibited,
& the remaining 9 cases are
classed as Akarab & allowed
on payt of fasturage rate
as assessed & brought on to
the Akarband.

The special procedure adopted
in all the above cases was
without doubt due to very
strong claims to fasturage
rates established by the holders,
& we can only suggest that
the

the settlement as recorded in the "Faisal Patrak" be observed.

The above exceptional cases cannot be taken to imply that any system of pasturage assesst. is contemplated on Kurnikis under the Survey settlement.

He further adds that he personally decided only 2 out of the cases noted - In one case he allowed the holder of pasturage who had been paying Rs. 15 + odd for a number of years to continue such payt but entered the survey No. as cultivable + in the 2nd. case he fixed a light rate but not a pasturage rate + entered the same rate in the Akarband -

ak
31-12-02

The matter may be disposed of by recording the report with the observation that these exceptions to the

Principles of Treaty
Settlement should be
settled under the ordinary
rules of the Re-Settlement Act, save as settlement
the talks concerned & that
till then the existing tenure may continue

3/11/02

Unless these are petty cases,
submit in draft for approval
(through the C.)
to the Director. If they are, the
papers may go before both
of the Councillors Hmy
4/11

Full Maori version: There are no petty disputes

14/11/02

Off prof. up
Draft ltr to Devin
Hmy pse Counsel
19/11/02

Rec'd 17.11.02
Right
671
Hmy
- 19/11
-364
20.11.02

LR 12 (7)

1897

No. 1147

Name of Petitioner Imamuddeen

Village } residing in
Taluk }
District } Bangalore

Date of Arzi 3—11—97

Date of Receipt 4—11—97

Date of Disposal

No. of Enclosure Nil

ABSTRACT.

Appeal against the order of Collr Bangalore dated 21-8-97, directing recovery of Rs 5041- from petr for the loss sustained by the demolition of certain mud houses in the holding petr and (2) the resumption of lands Nos 15, 17 and 38 in above village.

Petr prays for stay of execution of the order appealed against pending disposal of the appeal

Encls (1) Petn & copy showing the ground of Survey Nos 15, 17 and 38

(1) Petn for stay of execution of the order appealed against

(2) Order of Collr dated 21-8-97 directing forfeiture of Rs 5041 for the loss sustained by the demolition of certain mud houses in the holding petr and resumption of lands Nos 15, 17 and 38 in above village

6/11/97

(3) Appeal against Dy Comr's order directing recovery of Rs 5041 from petr for having allowed Jandal & date trees in certain Nos fronting Muthyal tank to be burnt

(4) Not a Contract Case

[Write reference to petr's prayer for stay of execution of order, he has been informed that as a rule such prayers are rejected and will be granted only when special circumstances are made out to the satisfaction of Govt]

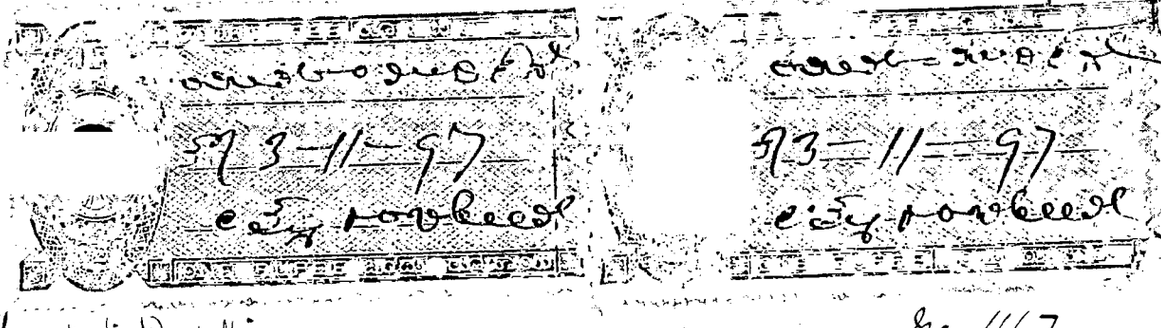
Subd to 2nd Councillor

Rs 7503/-
6-11-97

M 6/11/97

Pl call for report with record — whether this Jandal tenure [illegible] does it prevail? & also what a statement [illegible] the result of this application & other cases under consideration

12/11/97



Praesidium
Appeal - Abstract
Petitioner Gudadatta Purohit and the Collector
Copy of Judgment filed
4/11/97
Bombay Standard

No. 1147

In the Government of Bombay.

Revenue appeal Number.

Appellant - Gudadatta Purohit

1147 R.

DATE 4-11-97

The Petitioner has obtained Exception to present this appeal against the order of the Deputy Commissioner of Thana dated 21st August 1897, directing the recovery from petitioner of Rupees 21/- being the loss alleged to have been caused by him to Government and the resumption of the Pachar Land Survey numbers 15, 17 and 3 P in his possession, for the following reasons among others.

1. It has not been proved that the Petitioner either personally or through cut Sawaig and date trees on the land in his holding and set fire to the same, but on the other hand Evidence on record abundantly shows that the fire was accidental and not due to wantonness or even negligence on the part of the petitioner.

2. There is absolutely no Evidence to show the number of trees of either description that were burnt for this alleged Estimate

Estimate by the Forest officer of loss occasioned to Government is purely conjectural and the amount fixed by the Deputy Commissioner is likewise a mere guess.

3. The circumstance that many of the Cocoanut trees of the petitioner have suffered by the fire is strong proof of the fact that the fire is accidental, for no person would attempt to destroy his own property which he has brought into bearing after years of labor and at great outlay.

4. The Deputy Commissioner has not duly considered the Manager given by the report as to the cause of the fire. and it distinctly shows the petitioner is in no way responsible for the occurrence.

5. The Deputy Commissioner is wrong in finding that petitioner has planted Cocoanut trees on land obtained for cultivation as there is nothing to distinguish the Government land given to petitioner for pasturage from his Ryotwari land, and the application of Petitioner given in 1895 and long anterior to the date of the ——— Manager.

Mahajan Selection by the Deputy Commissioner to demarcate which by said direction has not been complied with.

6. The Deputy Commissioner is in Error in conceding that the petitioner has obliterated the Bands and Stones with a view to secure the land fraudulently on the plea of having cultivated through ignorance.

7. The finding of the Deputy Commissioner that the pasture lands 15, 17 and 18 were obtained temporarily, agreed to the fact as evidenced by the patta copy hereto produced, which distinctly shows the grant is for permanent and the order of the Deputy Commissioner directing the resumption of the land on this ground is also unjust and illegal.

The petitioner prays for full consideration of his case by Government and, having final orders of the Government, it may please the Government to be pleased to direct the Deputy Commissioner

Not

not to give effect to his order
appealed against therein.

Campbell—
3rd March 1915.

Chamier J.

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition

No. 1147 dated 3-11-97

received at the Dewan's Office from

Inamdars of Hoskere, residing in Bangalore, appealing against the order of the Deputy Commissioner, Hassan, directing payment of Rs. 1-6-0 per pate for assessing wet fire to certain Sandal date trees in S. No. 15 and 17 ranted to pate on Kulgaval tenure and directing the re-

is forwarded, together with its two enclosures, to the Deputy Commissioner of the Hassan District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

3. The petition with its enclosure should be returned.

The land referred to here-in said to have been granted on kulgaval tenure, the Dep. Commr. is requested, By order, to explain under what kulgaval tenure it is held & submit a statement showing (under what enact in pursuance) in his BANGALORE 18/12/1897

Chief Secretary.

for Secretary

17-12-97

M.E.C.P.E.—25-4-95—1,000

E 389 / 757 3/18/12-97.

Official Memorandum

The accompanying Petn
Petition No 1147 dated 3-11-97
received at the Dewani's offic
from Imamudeen of Avarikare
appealing against the orde
of the Dy Comrs Harsem Dt,
directing the levy of Rs: 5-00/-
from petr for having set fir
to certain sandal and date
trees on Sur. Nos 15 & 17 granted
to petr on kulgawal tenure
and directing the resumpti
of the said Sur. Nos is forwar
together with its two enclosu
to the Dy. Comrs of Harsem
Dt. for submission of the
entire proceedings connect
with the case, together with
full report of the facts of the
case, and on the points
in the petn

The lands referred to as
are said to have been gra
on kulgawal tenure, The Dy
Comrs is requested to expl
what kulgawal tenure is a
whether it admits of

relevancy to what extent it prevails in his District.

3. The Petn with its enclosures should be returned.

By order
(Sd) V.R.I.
Dy Secretary.

5400-406
P. 75

18-12-97.

(Copies Lands) and
of the above are forwarded to the Dy. Commissioners
of other Districts with the
request that they will be
good as to submit similar
statements.

4893

Rec'd 30 DEC 1897.

(2)

Subject

Ref 752-97-4

15-1-98

Award the further report

21/1/98

From The Deputy Commissioner

Shimoga Dist.

To The Secretary to the Govern

ment of Mysore

General and Revenue

Dated 7th Dept.

Despatched January 1898.

Received

General No 6571

Enclosure No.

With reference to his No. 5452

Ref 752

dated 18th December 1897, states

that the Talgupa Census appears

to prevail in districts of

Statement will be submitted

on receipt of information

from Auditors.

Read Petn.

10/1

Ref: petn.

14/1/98.

From The Deputy Commissioner
Shimoga District

To The Secretary to the Government of Mysore
General and Revenue Depts.

Dated 7th January 1893.

General No 789 / No 651 } 1892.93

His docket No 5402 dated 15th Pet 752
December 1892 forwarding copy of Official
Memorandum No 5389 Pet 751 of the 13th ultimo
addressed to the Deputy Commissioner,
Hassan District, and requesting the
submission of a Statement shewing
the extent to which the Mulgaval tenure
prevails in this District.

With reference to the above has
the honor to state that no such tenure
appears to prevail in this District. Grants
have however been issued to the Builders

of the Malwad Talukas requesting that
on the receipt of their replies, a state-
ment will be submitted, if such Returns
should be found to exist in any of those
Talukas.

H. Macnaughten

Deputy Commissioner

Shimoga District

1866

Peta No
17.1.98

Refd as given for gl Secy
4893/360 from DC Shimoga Encl
789/657 27-1-98. & subd to Govt
Secy on 15-1-98.

Award No pecuniary other reply
24/1/98

472-97-5

9/1/98

5069
Ref 372 1897-98.

(3)

From

The Commissioner
Kadur District

To

The Secretary to Government
Land Rev. Department.

Dated 14th

Despatched 16th January 1898.

Received

General No. 472
No.

Enclosure No.

In reply to Government
Order No. 5735/Pet 752 dated 18th
ultimo, forwarding copy of
Memo No. 5384/Pet 751 of the same
date to the Deputy Commissioner,
Hassan District, and
calling for a report as
regards the 'Inigaval tenure'
and a statement showing
to what extent it prevails
in this District, has the
honor to state that no
lands are granted

On what is called 'Kulgawal tenure', and that the granting of lands at 4 annas per acre on grass tenure under the Coffee Rules to proprietors of coffee estates has been abolished as per G. O. No. 9767-75 dated 13th R. F. 1549 December 1894.

Commissioner

Kadur District

Asst:-

Please see Pet-372.

AK
4/2/98.

5412
R. 3266
Pet 906

1897-98

From
The Dy. Commissioner of the
Bangalore District.

To The Secretary to the Govt
of Mysore,
Genl & Rev Departments.

Dated 26th January 1898.
Despatched 27th
Received
General No.
No. 976
Enclosure No. one

Secy's docket No: 5400
P. 752
of the 18th December 1897

Forwards statement shewing lands in this district granted on Hulgaval tenure.

Put up
Rev
28/1

Subd
LR 72-97-b

5/2/98 mg

Annexed to the report
M 9/2/98

PD
1/2.
Subd.
RW
2/2

Refer to Govt & Pass Orders.
& Minute Book to Head Board

To be transferred
to Peshkar
M
3/2/98

D. No. 976.

Encl: one

Bangalore District
Dy. Commissioner's Office,
Bangalore 28th January 1898.

To

The Secretary to the Government
of Mysore,
Genl & Rev. Departments.

Sir,

With reference to your circular
No 5400/752 dated the 18th December 1897,
forwarding a copy of your official
memo No 5389/751 of the same date to the
address of the Dy-Commissioner of the
Hassan District and calling for the
submission of a statement of Inams
in this district granted on Hulgaral
tenure, I have the honor to forward
herewith the statement as required.

I have the honor to be,
Sir,
Your most obedient servant.

[signature]

Dy. Commissioner,
Bangalore District.

mas

assessment

			Remarks	
albani assessment				
5	u	u	Rate is annas Six per acre	These lands were given on Mullugaral tenure during the survey settlement.
9	u	u	Do	
7	u	u	Do	
3	u	u	Do	
1	u	u	Do	
4	u	u	Do	
4	u	u	Do	
5	8	u	Do	
16	u	u	Rate is Six annas per acre	
15	u	u	Do	
15	5	11	This was Confirmed to Nottebasaré gowda on permanent Inigaral tenure during the Survey settlement.	
15	13	u		

Deputy Commissioner
Bangalore District.

Particulars of Anekal

Hobli	Village		Particulars of Land						
			Survey No	Extent		Survey assessment			Assessment
				a	g				
Anekal	1	Chokkahalli	52	118	30	4	5	"	4
Attibele	1	Devanapura	21	51	36	1	9	"	1
Sarjapur	1	Haniyur	13	45	32	1	7	"	1
	2	Jeneyur	15	61	16	2	3	"	2
	3	Matibarlu	2	81	38	3	1	"	3
	4	Kasipurakambatha-bidu	2	63	24	2	4	"	2
Sandagudi	1	Sandagudi	151	11	11		4	"	
			152	14	30		5	"	
Hoskote									
Kundur	1	Mundur	113	41	39		16		
			228	40	36		15		
Kundur	1	Kolur	81	39	34		15	5	"
Mulgund	1	Yallapura	63	63	7		15	13	"
Bangalore									
Anekal									
Kankanahalli									
Kolarpet									
Nelamangala									
Doddballapur									
Devanahalli									

Nil

Bangalore District
Deputy Commissioner's Office
Bangalore. 26th January 1898

Comp'd W.

Pet & Connected papers.
75!
Please see the order of this date filed on Pet 406.

AK
18/2/98

Mf
2.2.98

Pet 75 2nd
Rec'd & Com'd [illegible] 5-916
Pet 435

[Gen. Serial No. 31.]

1897

(5)

From Interstate Commerce Commission

To Secretary

Dated 13th February 1898

Despatched 14th —do—

Received

Enclosures No.

General No. 783.

No.

Stating that no application has been filed in the matter of Petn 752 dated December 1897.

Petition re
16/2/98

Filed with petn 2050

These reports shd be made into separate bundle with a copy of 1905 Pet 75

5 18/12/17 Kept in the bottom

= Annul the reports
22/2/98

Copy of the above proceedings to be kept in bottom of Petn
Reports are made into a separate bundle

AK

No. 783.

Deputy Commissioner's Office,
Yukon District,
Dated, 12th February,
1898.

To: The Secretary to the
Government of Canada,
Ottawa,
Land Department.

Sir,

With reference to your
Official Memorandum No. 5402
dated 15th December 1897, requesting
the Commissioner's Statement
showing the area of Timber,
Coal, Petroleum or Mineral
lands granted, sold, leased,
or otherwise disposed of,
I have the honor to state that no
such lands exist in this District.
There are however some cases in
which lands containing such
timber, petroleum or coal under
special circumstances, have been
allowed to be held for purposes
of Fuel only, all entries
thereon being prohibited, and the

2/4 date three seasons received
for Government. —

I have the honour to be,
Sir,
Your most obedient Servant

Wm Mann Rae
Deputy Commissioner

Gen. Serial No. 30.]

Fel 466.

1897-98

LR 292-8

From

The Dy Commissioner,
Nagandrisch

To

The Chief Secretary to the
Government Dewan of Mysore.
Revenue and Rev: Departt:
Bangalore.

Dated 28 February 1898

Despatched 1st March 1898

Received

Enclosures No. Petn & 11 Jds.

General No.

No. 855.

In reply to Mg 5/2 dy 20th Decr 1897

SUBJECT.

Submitting report on the petition from Imamudin of Devidroog, appealing against Dewan's order directing the levy of Rs 500 from the petitioner for having cut fire to Tamarind & date trees on the lands in the petitioners holding under Inam tenure.

References (to be entered only in the Dewan's Office.)

Mg 8/3/98

To the E Rama Rao
8/3/98
Recd letter
(Had a file on hand before)
E. 1/4/98.

Subd
Mg
2/4/98

Subd to 2nd Councillor
Let papers
The file & papers regarding the prevalence of Inam tenure will be separately subd

Mg 14/4/98

R 2 6 PM
14/4/98

Rejd put up
3-3-98

Rejd 4/3

Rejd put up
AK
4/3/98 5/3 PM

Office of the Deputy Commissioner
Hassan District.

No 855.

Hassan 28th January 18

From

The Deputy Commissioner
Hassan District.

To

The Secretary to Government of Mysore
General and Revenue Department
Bangalore

Sir,

Adverting to Mr. Rice's Memorandum No 95, dated 20th December last, I have the honor to report herein from immediate observance, I can by special pay order detailing the sum of Rs 200 from Mr. Rice's Contingent to the Surveyor and Amildar's Establishment employed in the Survey Settlement of Holenarsipur Taluk, Hassan District, as follows: —

In the year 1887-88, the Periodic Survey Jamabandi of the Alkanahalli village in the Channarayapatna Taluk, application for all the lands of the aforesaid village of Holenarsipur (attached to Channarayapatna Survey Settlement) in the Holenarsipur Taluk to apply to take up the assessed lands at the assessment and the unassessed lands at the same rate. The extent of the assessed lands comprising 80 Survey Nos 1-8 with an assessment of Rs 2,742-8- and that of the unassessed lands was 672-38 bearing Survey Nos 5-, 7-38-40- and 80 the Standing Cultivation applied and held under Inam Title since when the Darkhast was received. Pimmé Standard Tenders were sent to the Sheristadar for inspection and report. The trees in the assessed land were valued Rs 2,742-8- as the Amildar recommended the grant of the assessed lands Pimmé fowla

2

On payment of the said annual sum during the
term of 999 years as aforesaid the
Yearly Rent of One Shilling and Sixpence
as agreed by Jennie Gordon. Mr J Thomson Law, the
then Said Division officer, acquainted the Commend-
ation but pointed that Landlord's consent
first be taken if he agreed to retain the land during
the term created which Jennie Gordon objected for the
same and that in case of his not agreeing to the same
term, the land should be put on possession of Jennie
Gordon. Landlord's agent required to retain the land
during the said term. Jennie Gordon paid up the Survey
amount on account land and retained deposit
Civil on executing the Indenture of the same effect.
2. Out of the unassessed land, a portion measur-
ing 433 - 9 was subsequently assessed and added
to the Shikari Gunas Estate giving a reduction
of Commission due of the amount paid as deposit
assessment by Jennie Gordon as he was entitled only
to pay on existing Estate. He said that land until 3rd of
August 1894 when he transferred his right title
and interest in the land to the aforesaid and
his brother Gordon Chetan Chandra Sen Gupta
3. On the 9th September 1896, the said Landlord's
Sheristadar of the Village Gunsikia appointed
the Amindar Bailiff to realise the price of the ad-
ditional land his brother Gordon Chetan Chandra Sen Gupta
was also in arrears. Bailiff came, demanding
Chetan Sen Gupta's name. He also declared that
Bailiff would imprison Some Sheristadar if a

Great

[illegible] and the Inspector and the Sheikh were directed to report about the matter after visiting the land with Panchayatdars & Agricultural Inspectors who also deputed for the purpose. It having come to light that there was fraud in the report submitted by the Panchayat, Sheikh Ibrahim Sheikh, inspected the spot and submitted a report. Senior Assistant Commissioner Mr. J. Knight in charge of the Taluk, and the District Board Officer also inspected the spot. They found that many date trees had been cut. In the Panchayat enquiry the Panchayatdars who are the Agriculturists themselves, the loss of date and other trees excepting Tamarind trees was estimated to amount to Rs. 193-4-0. The District Board Officer found that 52 big and small date trees had been destroyed in the aforementioned Survey number after the Panchayat enquiry. It also came to light that they had distributed the Panchayat Board Members Rs. 25-0-0 & Government Rs. 15 for plowing the uncultivated waste (Survey No. 95, 15 and 19) with power and planting and adding the same to the 25 and 30 in their permanent holdings and that they had also misappropriated about 25 to 30 bundles of stones from the Kodikal Channel of the Panchayat Bank.

4. The matter was placed before me for orders. I issued notices to the parties concerned and

and examined the appellant and his brother.

I also examined Mr. Sapru Rao and there in the presence of the appellant and, record the order (Exhibit paper No 3) in the pleader-appeal against.

5. Statement showing the total extent of lands pertaining to various Registered Estates in the district of this District will be submitted on receipt of the information from the Amildars to whom notices have been issued.

6. Vernacular correspondence ending with the Assistant Amildar's report No 2112, dated the 8th September and that referring to the grant of the land to Gandabaa Bhimsonda are herewith submitted, as per serial number, and the appeal petition is also herewith returned with enclosures.

I have the honour to be
Sir,
Your most obedient servant

[signature]

for Deputy Commissioner
Thana District

Peter

9.3.98

Reps are given for Gen: 9103

6348/465 from Dc Kerrison 9103

855 d) 28/2/98.

(Dft E.R. for Rec'd on 8/3/98)

AK

11/3/98

Forward the other reports

M 12/3/98

Inclosure Office file Memo

Reports Inclosure

M

12/3/98

Def 466 Gl. 6491

Gen. 91 L R 2997 F 4.98

L W 189 8 F

752

From The Deputy Commissioner

Kolar district

To The Secretary to the Govt

of Mysore, Revenue

and General Departments

Dated 3rd March 98

Despatched 8 — " —

Received

General No. 2924

No. 870

Enclosure No.

The memorandum

No 5401 Dated 8th Decem-

Def 742

ber 1897.

Has the honor to submit

the statement showing

the particulars of lands

granted on Melagaval

Tenure in the district

as called for in the

above

Mitra Sundara

for Deputy Commr.

Kolar district

Copy sent

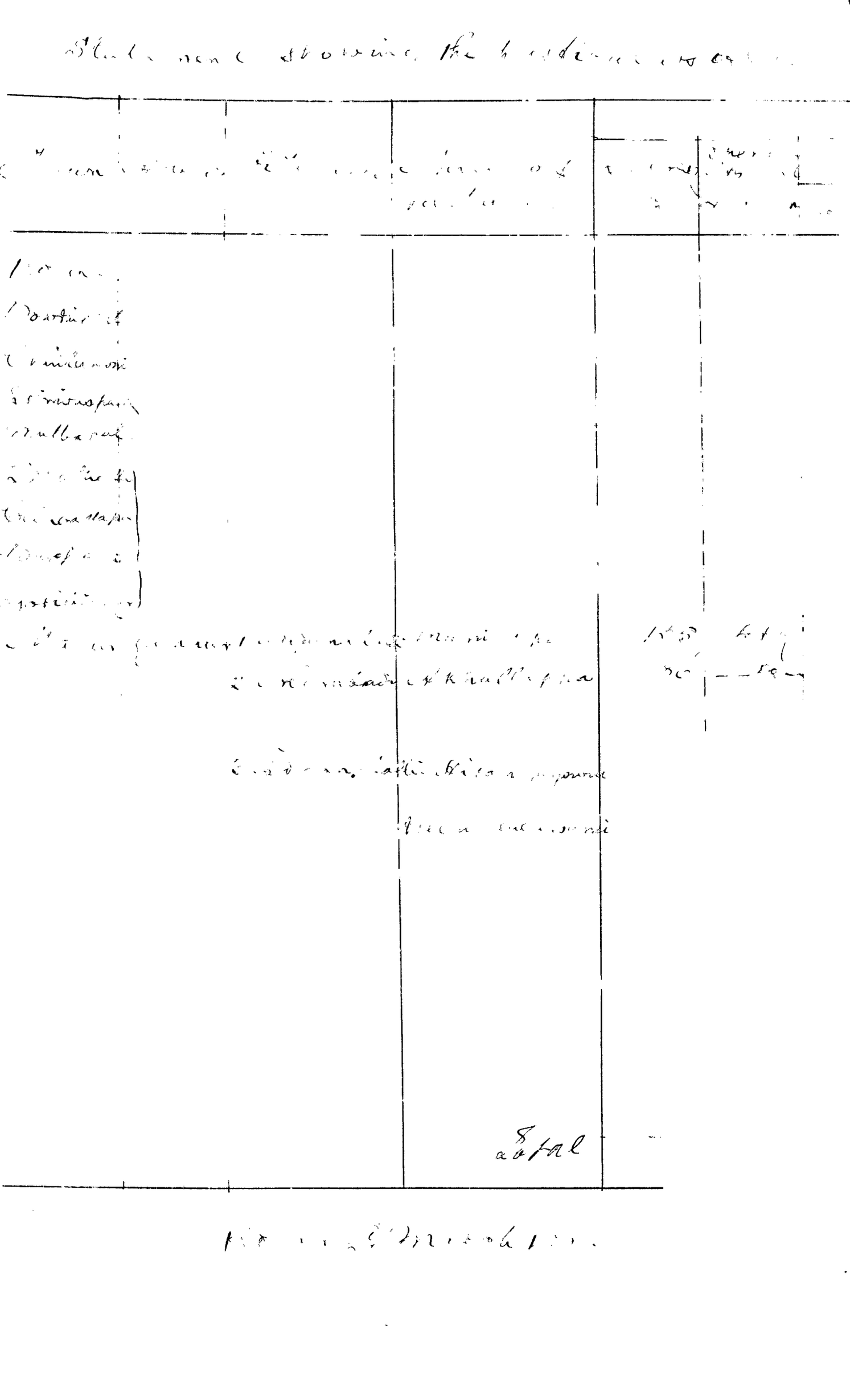
Issued

...view on Kulgaval Tenures in the Kolar District.

...ea Assessed					Remarks
...ed-Grain	Rs.	As.	P.		
2	24	6	"	"	Since the survey Khypoth Patrick it has been noted that the Lands jeopardy the Shanbhogue wishes for cultivation since years and that the Lands should be cut and they should be used only for Grazing purposes.
6	34	63	"	"	
7	29	74	"	"	Subsequently the Govt in their proceedings No 7668-69 dated 25-2-95 observed (R.A. 173-92 that "the so called Kulgaval Tenures with the restriction not to cultivate was a mistake" & ordered the revision of the settlement so as to make the Lands fit with those of the surrounding Lands. Accordingly the matter is under correspondence with the Survey Department.
7	29	254	"	"	

Examined
Jeon

Shanbhogue



GOVERNMENT OF MYSORE Gen. 31

REVENUE OFFICE 189 6587 & 6483 (7)

Keep with the other papers are received
18/3/98

Sub with Draft-letter to Dy Comr of Shimoga & Memo
18 Mch 98

LR 12-97-10

From The Deputy Commissioner
Chitaldrug District

To The Secretary to the Government of Mysore
General and Revenue Department

Dated 9th March 1898

Despatched

Received

General No. 854-
No. 807-

Enclosure No. 1

With reference this No: 5406 dated 18th Dec 752 last, has the honor to submit herewith a statement showing lands granted on Inâm and Service tenure in this District.

I have the honor to be
Sir
Your most obedient servant
Deputy Commissioner

Note
12.3.98

Read 14/3.

AK 15/3/98. Subd MG 16/3/98

Hiriyur		17	4·25	1·4	
	Kenchamalana halli	0	28·25	7	
		2	27·27	7	Granted in 1887-88 to Lakdarseddiah
		3	32·2	6	for hulgaval, the trees being reserved
		4	30·17	5·8	to Government
		7	15·22	4	
		12	34·31	8·8	
		13	29·9	8	
			— Hiriyur taluk —		
Chitaldrug	Gollarhalli	3	34·22	3·8	Granted in the year 1886-87 for hulgaval
		4	29·38	2·12	purposes, the trees being reserved to
		8	31·23	3	Government.
			— Holalkere taluk —		
Kaugere	Bommanhalli	4	22·8	9·8	Granted to village for hulgaval in 1897-98

Dated 9th March 1898

Chitaldrug

Assistant

Deputy Commissioner

Talamé showing the Cans granted on Hulgaval tenure in the Tribal Dry District.

Name of Village	Survey number	Extent	Assessment	Remarks
			Tribal Dry taluk	
Click Jagalee	20	9 - -	2 - - -	Granted in 1888-89 to one Khandé Rao for Hulgaval
Ditto	21	33 - -	5 - - -	the date and other trees contained there in being reserved to Government.
Malali	8	20 - 2	4 - 8 -	Granted to the villagers for Hulgaval in 1889-90
Yingadahalli	2	2 - -	- 8 -	
	3	8 - 2	2 - - -	Granted in 1887-88 to one Chennappa for Hulgaval, the trees contained there in being reserved to Government.
	6	5 - 13	2 - 4 -	
	8	2 36	0 12 -	
	9	6 - 10	2 - 8 -	
	10	6 - -	1 - 12 -	
	11	6 - -	2 - 8 -	
	12	4 - 25	1 - 8 -	
	13	4 - 12	1 - 8 -	
	14	6 - 36	3 - 12 -	
	15	5 - 10	2 - -	

LR 72-97-10

P

Re 10725 & 12-8-98
P.1388 12

To The Collector
Tarn Taran

Ur letter no 855 dt 28/2/98
regarding on the petn of
Imamuddin of Arsekhe

In returning the records
received with the above
I am to request
him to submit the
entire records connected with
the petr's application
for putting up boundary marks

+ [illegible]
12-5-98

& stating the terms of his holding (vide his declaration dated 15/9/96 before the arbitrator)

The Dy Comm^r is also requested to explain ~~~~ whether Notice No 186 of 16/8/70 - under which he appears has apparently acted appears to have Lands held on kul jawal tenure and if not under what authority he has held that the petr was bound to respect the destruction of sandal trees in the Lands in question.

BD

Ag

12/5/96

Gen. Serial No. 31.]

REVENUE DEPARTMENT
Cl. No. 2237
JN 17 1898
DEWAN'S OFFICE

189 Ref 694.

From

The Deputy Commissioner
Kaigan District

To

The Secretary to the Government
~~Dewan~~ of Mysore.
Revenue Department

Dated 14th June 1898

Despatched 15th June 1898

Received

Enclosures—No. 2 files & 1 enclosure

General No. 1245
No.

Sir, In cl. No. 1385 dated 12th May 1898 calling for the submission of papers connected with the application of Annamuddin of Seringapatam for pecuniary grant for fixing the limits of his holding:—

I have the honor to submit herewith the records called for in the above and to state that the undersigned acted under the authority conveyed in Notification No. 1 issued by the Chief Commissioner as regards the alienation

be pleased to call on the Colonial Secretary and state the circumstances of the case upon which I have refused to pay the Bill presented and I am also to beg you will be pleased to state whether it is not possible to see the Governor personally on the subject. The Notification that the Bills are payable on presentation of Cards will be for the Same..

Dr Livingstone
H. Majesty's Consul

REVENUE DEPARTMENT
Gl. No. 516
JL 22 1898
DEWAN'S OFFICE

189 3-9[illegible]

From

The Deputy Commissioner,
Mysore District.

LR 72-97-13

To *The Secretary to the Govt. of Mysore,*
Revenue and General Departments.

Dated 1/
Despatched July 1898
Received

General No. 58
No.

Enclosure No. one

Submitting a Statement showing lands granted on Inalgaval tenure in the Mysore District.

Secy
Dw 22/7/98

23/7.

Reply from D.C. Chamaraja is still due

AK 5/7/98. Rd with despatch D.C. Chamaraja

Mly. 26/7/98.

No. 8
Enclosure No. One

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,
Dated Mysore 19th July 1898

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

SIR,

As called for in your Memo. No 5403 Pet 752 dated 18th December 1897, I have the honor to submit herewith a Statement showing lands granted on Inâm tenure in this District.

I have the honor to be
Sir,
Your most obedient Servant

for Deputy Commissioner
Mysore District

Statement Shewing lands granted on Mulgaval Tenure in the Mysore District

Taluk	Hobli	Village	Name of holder	Particulars of land: Survey no:	Extent		Assessment			Remarks
1. Mysore	Lingambudhi	Bogadi	Shenkarappa	164 dry	6	22.	7--	"	"	Granted for grazing purposes as per Deputy Commissioner's order no 928 dated 23rd June 1893 on condition that the holder shall not cut or in any way injure the date trees standing on the land and that he shall whenever required surrender the land to Govt without claiming any compensation therefor.
2. Yedatore	"	"	"	"	"	"	"	"	"	
3. Hunsur	"	"	"	"	"	"	"	"	"	
4. Heggadadevankote	"	"	"	"	"	"	"	"	"	
5. Gundulpet	"	"	"	"	"	"	"	"	"	
6. Chamarajnagar	"	"	"	"	"	"	"	"	"	
7. Nanjangood	"	"	"	"	"	"	"	"	"	These Talukas have not yet been brought under Survey Settlement

9 Seringapatam (including Frenches Rocks Est. Taluq)		"	"	"	"	"	"	"	"		
10 Krishnarajpet		"	"	"	"	"	"	"	"		
11 Mandya		"	"	"	"	"	"	"	"		
12 Malvalli		"	"	"	"	"	"	"	"		
13 Nagamangala	Nasha	Gudde Boomanhalli	Halek Maishty	32	10	18	11	"	"	Granted for grazing purposes on full Survey assessment as per French Rocks Sub-Division officers order No: 200 dated 26th July 1871 on condition that the occupant shall not cultivate the land or in any way interfere with the date trees standing thereon	
	Nonakere	Maddalli Kaval	Mari Gowda Linganna Gowda	1 Dry	5	18	6	-	-	Granted for grazing purposes on full assessment as per Commr's order No: 232 dated 1st May 1872 on condition that the occupant shall not destroy any of the date trees on the land, nor shall he allow the Contractor to cut the trees standing	
				2 Dry	6	37	7	8	—		
				3 Wet	1	29	6	8	—		
				4 do-	1	18	5	8	—		
				5 do-	1	22	5	8	—	he shall not cultivate the land and that he shall surrender the land whenever required to do so by Govt.	
				6 waste	24	4	-	-	-	Survey No: 6 is unassessed Kaval and Mari Gowda deems to have been enjoying it free of assessment. The matter is being enquired into.-	
				7 Dry	4	26	5	-	-		
	Devalapura	Dondemada halli	Donné Linga Gowda	67 Dry	31	19	20	-	—	Prior to the Survey Settlement the land was given to Donné Linga Gowda on Inâmgrant tenure subject to the necessary conditions for the preservation of the date trees standing thereon and for the surrender of the land without any consideration if it was required by Govt. The land seems to have been confirmed to him on full assessment at the Survey Settlement and it having since been reported that he has destroyed a large number of date trees on the land, the matter is under enquiry.	

Mysore Deputy Commissioner's Office
Dated 18th July 1898

for Deputy Commissioner
Mysore District

Ks-B-66-7

Proceedings of the Court of Mysore

LR 72-97-154

Read:-

Petition No. 1147 dated 3rd November 1891, of Shivanna -Devu of Arakere, appealing against the order of the Dy Comr Hassan Dt, in forming the pettn [illegible] law of Forest- for having allowed 82 to be burnt sandal trees in S Nos 1 and 17 held by him on kulgavalu tenure and directing the resumption of the said S. Nos

See 38 Govt

2. Correspondence ending with letter No. 1245 dated 14th June 1898, from the Dy Comr Hassan Dt reporting on the above

3 The record of the case.

order thereon No. 868. P. 84 29.7.98 30

The liability of the petr and his brother to preserve the sandal trees in their holding, their duty to report all injuries to

to them and the burden
thereon in the way of proving
their freedom from all
blame are clearly and dis-
tinctly laid down by Govt
Notification No 186 of 1870 (Page 126
10
Forest Manual). In which they
held the lands under Survey
tenure as full occupants
on their conversion into them
extended simply to the use
of grazing as in this case,
it is idle to contend that
they are not holders of the
lands within the scope of the
notification above referred to
the lands were in their possession
and that fact is suffi-
cient to attach all the
liabilities thrown upon
them by the said order.

2. There is a good deal
of suspicion that the fire
was the result of their wanton
act. It may be that they
did not intend mischief
on a vast scale. Fires
started innocently with
the object of burning the
under-

undergrowth and otherwise preparing the soil as is usual with gardeners but, if carelessly and negligently allowed to extend to and injure the sandal trees is sufficient to make the holder liable for the consequences of it. There is ample evidence to show that the petitioner and his brother have been guilty of such negligence and there is no reason to differ from the concurrent finding of both the courts below and by counsel on this point. The conviction is accordingly upheld.

3. Counsel for the petitioner ~~has~~ submits that the punishment is unnecessarily harsh and the fine excessive. It must be pointed out that heavy fines should not be imposed solely with the intention of ~~so~~ reimbursing

recommending Govt for the
loss, present and prospective,
resulting from the destruction
of trees. Such a providing
would be ruinous to
many an innocent holder
of land. The punishment
should be such as would
deter him from being careless
with regard to such trees.
Judged according to these
views a fine of Rs 100 - seems
adequate and the amount
is reduced accordingly the
excess being refunded to
the petitioners.

Such a procedure

In this view

C2
24.7.98

From Secretary

Dt 26.7.98.

To

The Dy Comr Hazaribagh

with records.

LR 72-97-1/B

(6)

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[illegible]

27/7/58

Genl Records

Please put up the file relating to G.O. No: 57 to 60-606 / 0.752 dated 18-12-97.

All
8/3/900

Vernacular Records

Please refer to petition No 2002 dated 27-2-98 and send to petition Branch the connected papers.

8/3/900

All
10/3/900

Please see the General No 231 dated 14-6-98 - 694

12/3/900

Please see the Register of 97-98

K
12/3/900

Please refer to No. 1383 dated 27/7/98 for the required reference

18/3/900

Original file relating to Proc No 57 to 60-606 dated 18-12-97 is put up

All
13/3/900

15/3/900

1899. 1900.

(12)

From
The Deputy Commissioner
Shimoga District

To
The Secy: to the Govt of Mysore
Gen: & Rev: Depts.

Dated

Despatched 23rd February 1900

Received

General No. 735
No. 614
Enclosure No.

In reply to docket No. 775 Pet: of the 16th instant and in continuation of this office No. 789 / 651 dated 7th January 1898, States that no 'Mulgawal' tenure prevails in any part of the district

Peti
26.2.00

Read
28/2

Bdle Petition file
73

1899. 1900

Deputy Commissioner's Office
Shimoga District.

No. 735 / 614
Dated the 23rd February 1900.

To,

The Secretary to the Govt of Mysore
General and Revenue Depts

Sir,

In reply to your docket No. Petition 775 dated 16th instant I have the honour to state in continuation of this office No. 789/657 dated 7th January 1898 that in "Kulgaval" tenure prevails in any part of this district. In a few cases, in Sagar and Nagar Talukas some lands assessed at dry rates have been given to villagers generally for grazing purposes on

on condition of their paying the full survey assessment; but this has not been construed as 'mulgaw tenure.

I have the honour to be

Sir,

Your most obedient servt

H. Manjunadayya

Deputy Commissioner

Shimoga District

1926

Rec'd Apr 4
Kindly referred to Supt of Police
received in the Land Office
28/5/02

Ref 485 1902

(13)

FROM D. Drummond Esq.
Deputy Commissioner
Dawson District

To R. V. N. Burnside Esq.
Secretary to Government of Yukon
Territorial and Revenue Department
Bungalow

Dated 8 April 1902.

Despatched 10

Received

General No. 529

No. Nil

Enclosure No. Nil

In continuation of this office No. 855 Dated 28th February 1898 I am desiring to submit a statement showing the exact of land granted under Railroad Leases in the several Districts of the District I am to submit herewith the Statement required above.

D Drummond

Deputy Commissioner.
Dawson DT

Ref 485

Please enter R. 28/5/02.

4/6/02

R. 7.8.02 entered.

4/6/02

Sub with refer. dy
Comrs No 855 of 28.2.98
is put up with Petn
file 74 of 29-1900.
Letter may be sent
29/6. to Petn Branch.
30. 30/6.

Yes - but the
delay could
have been
avoided

R 2.7.02

Sent with note entered
on 8.7.02

R 12.5.02

Gentlemen
please see if the letter referred to
has been sent in the G.L.O. if not, please
send by first issue book.

...nd granted under Authority of the Land Act

...e Hassan District

Authority for the Occupant of the Land	Name of the Occupant of the Land	Whether Temporary or Permanent Lease	Number of Lease	Remarks
Government Notice No. 1686 dated 5th Oct 95 and Gazette No. 4354 dated 13-11-96	Thos Ruddlephe Retired Forest Assistant Conservator	Permanent	+	The Land was given on Perpetual Renewable Lease
Rule 7 Annual Rules & Regulations	Organised Society	No mention is made whether the Lease is Permanent or Temporary	N.A.	

Director of Agriculture

Deputy Commissioner
Hassan Dist

Rec'd

Statement showing the extent of C
in the Taluks of T

Nº	Taluk	Village	Survey Nº.	Extents Hors	Extents Cawnies	Survey Assessment	Assessment under Ryotwary tenure Rupees	Date	Whether or which the land was given on Ryotwary tenure
1	Hassan								
2	Alur Sub Taluk	Gudekalli (Corpse Blackstone Hall)	93	349	29	-	131-4-1	4-6-1896-97	
3	Arsikere								
4	Belur								
5	Hole-Narsipur								
6	Arsikere								
7	Channarayapatna	Devanahalli	12	4	31	-	1-4-0, 0-4-0	5-3-87	
8	Arkalgud								

6-6-02

Gen. Br

Please see the letter from the letter No 529 referred to in the Conductor's receipt in the Board's office of the Postmaster Same.

All
7.6.02
Sd/-
It may be sent to Pol Branch.
Sd/-

Yes - but has not been delayed here so long
11/7/02

R. 2/7/02.

OFFICE OF THE ... 15379 ... 1902 ... 455 ... MYSORE

(14)

1901-02.

FROM D. Devaraj Urs Esquire.
Deputy Commissioner
Hassan District.

To
M. V. Narayandaiya Esquire
M.A. & M.L.
Secretary to the Govt. of
Mysore. Gen. & Rev. Depth.
Bangalore.

Dated 3rd June 1902.
Despatched
Received
General No. 597.
No.

Enclosure No. Nil

With reference to his reminder no. 2141 P. F. 74-99 dated 21st instant, calling for submission of a statement showing to what extent Huligamal tenure exists in the District, has the honour to invite attention to this office R4520 no. 529 dated 8th Ultimo

D Devaraj
Deputy Commissioner
Hassan District.

Fwd
7.6.02
P.S.

7.6.02

B 189 p

From

The Secretary to the Govt [illegible]re,
General and Revenue Departments.

To

The Asst. Rev. Survey

Dated 26/29

Despatched 29 July 1899

Received

General No. 221

P.F. No. 74-99

Enclosure No. 2 file One bracelet
One bundle
containing reports

Sir,

I am directed to forward in original ~~the papers of~~ the reports from the Asst Commr & Deputy Commr in connection with the lands granted on Inalgaval tenure in each District, and to request that you will be good as to favour Govt with your opinion in the matter.

I have the

Sir

Your

Obt Servt

for Secretary to Govt

Asst Rev Survey

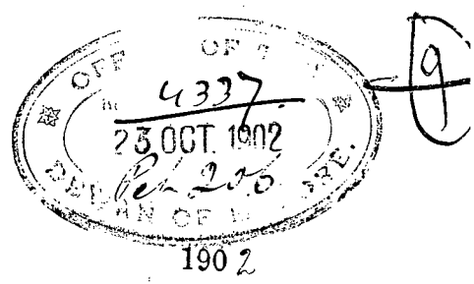
Add a Precis

Re specifying as to how certain lands in Bangalore & Kolar Dts came to be granted on Inalgaval tenure at the Sixty Settlement

Central Jail Press, Bangalore.—20-7-99.—602.

Submitted with the note
continued

16



9

1902

LR-12-97-19

LR12-97-20

From

COLONEL J. P. GRANT,

SUPERINTENDENT,

MYSORE REV. SURVEY.

To

SECRETARY TO THE GOVT. OF MYSORE,

GEN. & REV. DEPTS.

Dated

Despatched 22nd October 1902

Received

General No. 248

No.

Enclosure No. 2 Files.

In reply to Letter No. 221 dated 22-7-02.

SUBJECT

Reporting, as requested in the above, upon certain Survey Numbers in the Bangalore & Kolar Dists given out on so called Inâm tenure.

References
(to be entered only in the Dewan's Office)

Put
25.10.02
the file, relating to the enquiries in question
25/10

No. 247
Enc: 2 Lts

OFFICE OF THE SUPERINTENDENT
OF REVENUE SURVEY.

Bangalore, dated 22nd January 1902.

From

COLONEL J. P. GRANT,

Superintendent, Mysore Revenue Survey.

To

Secretary to the Government of Mysore,

Gen. & Rev. Depts.

Sir,

I have the honor, as requested in your letter No. 201 dated 27th-29 Jan, to report upon certain matters connected with the Bangalore and Kolar Districts which are to be called Budgamut Tenure.

I have the honor to be Sir
Your obedient servant

Christians were in possession against
cultivation is needed, case in
which the arable property —
part and the Christians were
the same, & are cases in which
the property part was the —
Christians were the same but
cultivation is necessary to possess,
I in the case in which Christ —
appears as human and is given
for one property and cultivated
I in case in which Christ —
land was secured it & among
her were part changes in the
Akarband

3 In all the other cases the
special procedure adopted was —
cultivation should give the —
stony share to property —

established

established by the Courts, and a statute may not remove the mandatory element that it can not will take some time

4. I can only suggest that the settlement be secured in the "usual" form.

5. The above suggested comments should be taken to imply that any system of routine assessment is considered to be required under the Treaty settlement

6. If the case cited, Pio Tamaihi decided only two years ago, it was considered the Courts would not disturb such payments for a number of years to come. Such payments could be stopped

Lawry

Lieut Chandler was mentioned
in the second case of fitness for light
duty, but not as positively, and not
entered this name in the Standard.

I beg to return the accompani-
ments to your letter under reply.

I have the honor to be
Sir
Your most obed servant
A Grant

Capt Wayne 1st Cavy

17

LR 2-97-21

Read the letter of the Maharaja's Secretary

Read again:-

(1) This office No 5333/751 dt 18-12-11 requesting the Dy Commr of the Kheda Dist to explain "Khalsa land tenure" and to submit a statement showing the extent to which it prevails in his Dist

(2) This office No 5400-405/P 752 dt 18-12-11 requesting the Dy Commrs of other Dists to submit similar statements

Reads:

Read The following replies from the Dy Commrs of the Dists reporting on the above:-

(1) Docket No 5-3-8 dt 3 May 1902 from the Dy Commr Kheda

(2) Letter No 735/614 dt 23 July 1900 from the Dy Commr Shimoga

(3) do No 58 dt 19 July 1898 from the Dy Commr Mysore

(4) docket No 854/807 dt 9 March 98 from the Dy Commr Chitaldrug

(5) Docket No 2824/870 dt 3-3-98 from the Dy Commr Kolar

(6) letter No 788 dt 12-2-98 from the Dy Commr Dharwar

(7) Letter No 976 dt 26 Jan 1/03
from the Dy Mysore Bangalore

(8) Docket No 4723 dt 14 Jan 9/03
from the Dy Mysore Kadur

(9) Letter No 248 dt 22nd Oct/02
from the Supdt of Rev Survey in extenso
giving his opinion on the
above

(Dr Epstein)

Order Memo No 9536/1
0774-99
Dated Bangalore 27th Nov/02

Recorded.

2. Such of the cases as are
not in consonance with the
principles of Survey Settlement
viewed to be settled ~~under this~~ in accordance with their
~~ordinary rules~~ at the revision of survey the
~~Deputy Commissioner of the District~~ as recorded in the Taluk
~~Commissioner, the Secretary~~ Katchi Lis in the
~~in case being under the~~ meanwhile followed
~~Memo~~ observed

Draft

8573
25-XI-02

Seen
27/11/02
to Hon'ble Member in Charge
" Supdt of Rev Survey

Issue
27/11

Ernst.

Collector's Table

Revenue
Section
28/11/02

Sent 28/11/02

Proceedings of the Government of His Highness the Maharaja of Mysore, Petition, dated 27th November 1902.

READ AGAIN—

(1) This office No. 5339—751, dated 18th December 1897, requesting the Deputy Commissioner of the Hassan District, to explain "Hulgaval tenure" and to submit a statement showing the extents to which it prevails in his district.

(2) This office No. 5400-406—P. 752, dated 18th December 1897, requesting the Deputy Commissioners of other Districts to submit similar statements.

READ—

The following replies from the Deputy Commissioners of Districts reporting on the above:—

(1) Docket No. 529, dated 8th May 1902, from the Deputy Commissioner, Hassan District.

(2) Letter No. 735—614, dated 23rd February 1900, from the Deputy Commissioner, Shimoga District.

(3) Letter No. 58, dated 19th July 1898, from the Deputy Commissioner, Mysore District.

(4) Docket No. 854—807, dated 9th March 1898, from the Deputy Commissioner, Chitaldrug District.

(5) Docket No. 2924—870, dated 3rd March 1898, from the Deputy Commissioner, Kolar District.

(6) Letter No. 783, dated 12th February 1898, from the Deputy Commissioner, Tumkur District.

(7) Letter No. D. 976, dated 26th January 1898, from the Deputy Commissioner, Bangalore District.

(8) Docket No. 472, dated 14th January 1898, from the Deputy Commissioner, Kadur District.

(9) Letter No. 248, dated 22nd October 1902, from the Superintendent of Revenue Survey, giving his opinion on the above:—

"I have the honor, as requested in your letter No. 221—P. F. 74-79, dated 29th July 1902, to report upon certain survey numbers in the Bangalore and Kolar Districts, given out on so-called Hulgaval tenure.

2. There are some 13 cases, of which 4 are cases in which the pasturage rate differs from the rate in the akarbund and a prohibition against cultivation is recorded, 5 cases in which the so-called pasturage rate and the akarband rate are the same, 2 are cases in which the pasturage rate and the akarband rate are the same but cultivation is recorded as prohibited, one is a case in which survey number appears as "Kharab" but a fixed payment as pasturage was allowed, one is a case in which kharab land was assessed at four annas per acre and brought on to the akarband.

3. In all the above cases, the special procedure adopted was without doubt due to very strong claims to pasturage rates established by the holders, and details can of course be ascertained, but to do so will take some time.

4. I can only suggest that the settlement as recorded in the "Faisal Patrik" be observed.

5. The above exceptional cases cannot be taken to imply that any system of pasturage assessment is countenanced or permitted under the Survey Settlement.

6. Of the cases noted I personally decided only two. In one case, I allowed the holder of pasturage, who had been paying Rs. 15-5-11 for a number of years, to continue such payment, but I entered the survey number as unculturable; in the second case, I fixed a light rate, but not a pasturage rate, and entered the same in the akarband.

7. I beg to return the accompaniments to your letter under reply

---

No. 953-61—P. F. 74-99, DATED BANGALORE, 27TH NOVEMBER 1902.

ORDER THEREON.—Recorded.

2. Such of the cases as are not in consonance with the principles of Survey Settlement should be settled in accordance with them at the revision of survey, the Settlement as recorded in the Faisal Patrik being in the meanwhile observed.

H. V. NANJUNDAYYA,
Secy. to Govt.; Gen. & Rev. Depts.

To—The Deputy Commissioners of Districts.
The Superintendent of Revenue Survey.

Exd.—C.V.

1902-03

GOVERNMENT OF MYSORE

PETITION

PROCEEDINGS

Dated 27th November 1902

No. 953-61
P. F. 74-9

Recording with remarks the reports of the Deputy Commissioners of Districts and of the Superintendent of Rev Survey regarding the extent to Hulgaval tenure prevails in the districts.

SBP—8-12-02—200